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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/017,223
Applicant : R. Martin Emanuele, et al.
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Docket No. : 19720-0229 (42896-263913)
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER IN APPLICATION

The owner, CytRx Corporation of the entire interest in the above-identified present application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Nos. 6,359,014, 5,691,387, RE 37,285 and 5,674,911 (the prior patents). The first to expire patent is U.S. Patent No. 5,674,911 it is set to expire on March 19, 2011. The owner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that said patent and the prior patents are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee of such patent, and its successors or assigns.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on October 29, 2003

Sima Singadia Kulkarni

Sima Singadia Kulkarni- Reg. No. 43,732

Appl. No. 10/017,223
Terminal Disclaimer

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that the prior patents later: expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, have all claims cancelled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

A check in the amount of \$110 is enclosed for the fee required by 37 CFR § 1.20(d) and please charge any additional fees or credits to Deposit Account 11-0855.

The undersigned is an attorney of record and is authorized to sign on behalf of the owner.

Date: October 21, 2003


Sima Singadia Kulkarni

Name: Sima Singadia Kulkarni

Reg. No: 43,732

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